

INTERNATIONAL SEARCH REPORT

International Application No

.../IT2004/000325

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/68 G01N33/574 C12N15/11 A01K67/027 A61K35/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, BIOSIS, EMBASE, WPI Data, Sequence Search

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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X	WO 02/22867 A (EVOTEC NEUROSCIENCES GMBH ; HIPFEL RAINER (DE); KRAPPA RALF (DE); POHL) 21 March 2002 (2002-03-21) cited in the application	12-21, 28-30, 32-36, 40, 41
Y	the whole document	22-24, 37-39, 42, 44

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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

8 October 2004

Date of mailing of the international search report

21/10/2004

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	HAO CHUNHAI ET AL: "Induction and intracellular regulation of tumor necrosis factor-related apoptosis-inducing ligand (TRAIL) mediated apoptosis in human malignant glioma cells" CANCER RESEARCH, vol. 61, no. 3, 1 February 2001 (2001-02-01), pages 1162-1170, XP002299752 ISSN: 0008-5472 cited in the application	12, 28-30, 32-38, 40-43
Y	abstract page 1164, column 1, paragraph 2 page 1166, column 2, paragraph 2 - page 1169, column 2	22,23
Y	----- CONDORELLI G ET AL: "PED/PEA-15 GENE CONTROLS GLUCOSE TRANSPORT AND IS OVEREXPRESSED IN TYPE 2 DIABETES MELLITUS" EMBO JOURNAL, OXFORD UNIVERSITY PRESS, SURREY, GB, vol. 17, no. 14, 1998, pages 3858-3866, XP000941497 ISSN: 0261-4189 cited in the application abstract	24,39,44
Y	----- HWANG S-I ET AL: "Assignment of HMT1, the Human Homolog of the Murine Mammary Transforming Gene (MAT1) Associated with Tumorigenesis, to 1q21.1, a Region Frequently Gained in Human Breast Cancers" GENOMICS, ACADEMIC PRESS, SAN DIEGO, US, vol. 42, no. 3, 15 June 1997 (1997-06-15), pages 540-542, XP004459567 ISSN: 0888-7543 page 540, column 2, last paragraph - page 541, column 1, paragraph 1	22,23, 37,38,42
P,A	----- TRENZIA ALESSANDRA ET AL: "Protein kinase B/Akt binds and phosphorylates PED/PEA-15, stabilizing its antiapoptotic action." MOLECULAR AND CELLULAR BIOLOGY, vol. 23, no. 13, July 2003 (2003-07), pages 4511-4521, XP002299753 ISSN: 0270-7306 abstract page 4520, column 2, paragraph 3 -----	1-44

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Although claims 10,11,21-26,35 comprise a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.

Continuation of Box II.1

Claims Nos.: 10,11,21-26,35

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

Continuation of Box II.2

Claims Nos.: 27

Claim 27 is formulated as a reach-through claim, i.e. it relates to a compound only defined in that it can be obtained by the method of claims 25 or 26. However, this sole feature does not allow the skilled person to understand which structural features characterize the compound. Therefore, claim 27 is unclear (Art.6 PCT) to the extent that a meaningful search over the entire scope of the claim is impossible. Furthermore, as no compounds identified by the method have been identified in the description, no search at all is possible for claim 27.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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International application No.

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Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:
- a. type of material
- ☒ a sequence listing
- ☐ table(s) related to the sequence listing
- b. format of material
- ☒ In written format
- ☒ In computer readable form
- c. time of filing/furnishing
- ☒ contained in the international application as filed
- ☒ filed together with the international application in computer readable form
- ☐ furnished subsequently to this Authority for the purpose of search
2. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
3. Additional comments:

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Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 10, 11, 21-26, 35
because they relate to subject matter not required to be searched by this Authority, namely:
Although claims 10, 11, 21-26, 35 comprise a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2. ☒ Claims Nos.: 27
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

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Patent document cited in search report		Publication date		Patent family member(s)		Publication date
WO 0222867	A	21-03-2002	AU	1223302 A		26-03-2002
			WO	0222867 A2		21-03-2002